



# House of Representatives

General Assembly

**File No. 54**

January Session, 2007

Substitute House Bill No. 7115

*House of Representatives, March 13, 2007*

The Committee on Public Safety and Security reported through REP. DARGAN of the 115th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

## ***AN ACT CONCERNING THE OFFICE OF THE STATE FIRE MARSHAL.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 29-291a of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2007*):

3 (a) The State Fire Marshal, in coordination with the advisory  
4 committee established under subsection (b) of this section, shall adopt  
5 and administer a state Fire Prevention Code based on a nationally  
6 recognized fire prevention code. Said code shall be used to enhance the  
7 enforcement capabilities of local fire marshals and for the purposes of  
8 prevention of fire and other related emergencies. Said code shall be  
9 adopted not later than [January 1, 2005] October 1, 2008, and shall be  
10 revised thereafter as deemed necessary to incorporate any subsequent  
11 revisions to the code not later than eighteen months following the date  
12 of first publication of such revisions.

13 (b) There is established an advisory committee consisting of nine

14 persons appointed by the State Fire Marshal. The State Fire Marshal  
15 shall appoint two members selected from a list of individuals  
16 submitted by the Codes and Standards Committee from the  
17 membership of said committee and seven members representing local  
18 fire marshals, deputy fire marshals and fire inspectors selected from a  
19 list of individuals submitted by the Connecticut Fire Marshals  
20 Association.

21 Sec. 2. Subsection (a) of section 29-298 of the general statutes is  
22 repealed and the following is substituted in lieu thereof (*Effective*  
23 *October 1, 2007*):

24 (a) The State Fire Marshal and the Codes and Standards Committee,  
25 acting jointly shall adopt minimum standards of qualification for local  
26 fire marshals, deputy fire marshals, fire inspectors and such other  
27 classes of inspectors and investigators as they deem necessary. The  
28 State Fire Marshal and the Codes and Standards Committee shall (1)  
29 prepare and conduct oral, written or practical examinations to  
30 determine if a person is qualified and eligible to be certified, or (2)  
31 accept successful completion of programs of training developed by  
32 public agencies and approved by him as proof of qualification for  
33 certification eligibility, or (3) prepare and conduct a training program,  
34 the successful completion of which shall qualify a person to be  
35 certified. Upon determination of the qualification of a local fire official  
36 under subdivision (1), (2) or (3), the State Fire Marshal and the Codes  
37 and Standards Committee shall issue or cause to be issued a certificate  
38 to such person stating that he is eligible to be certified. The State Fire  
39 Marshal and the Codes and Standards Committee shall establish  
40 classes of certification that will recognize the varying involvements of  
41 such local fire officials. Local fire marshals, deputy fire marshals, fire  
42 inspectors and other inspectors or investigators holding office in any  
43 municipality shall be certified in accordance with subdivision (1), (2) or  
44 (3). On or after October 1, 1979, no local fire marshal, deputy fire  
45 marshal, fire inspector or other inspector or investigator shall be  
46 appointed or hired unless such person is certified and any such person  
47 shall be removed from office if he fails to maintain his certification. The

48 State Fire Marshal and the Codes and Standards Committee shall  
49 conduct educational programs designed to assist such local fire  
50 officials in carrying out the duties and responsibilities of their office.  
51 Such educational programs for local fire marshals, deputy fire  
52 marshals and fire inspectors shall be in addition to the programs  
53 specified under subdivisions (2) and (3) of this subsection and shall  
54 consist of not less than ninety hours of training over a three-year  
55 period. The State Fire Marshal and the Codes and Standards  
56 Committee shall establish the minimum hours of training for the other  
57 classes of inspectors and investigators, which shall recognize the  
58 varying involvements of such officials. Each local fire official shall  
59 attend such training programs or other approved programs of training  
60 and present proof of successful completion to the State Fire Marshal.  
61 The State Fire Marshal may, after notice and opportunity for hearing,  
62 revoke any certificate issued under the provisions of this subsection for  
63 failure on the part of a local fire official to present such proof. Any  
64 appointed local fire marshal, deputy fire marshal or other inspector or  
65 investigator who wishes to retire his or her certificate may apply to the  
66 State Fire Marshal and the Codes and Standards Committee to have  
67 such certificate retired and be issued a certificate of emeritus. Such  
68 retired local fire official may no longer hold himself or herself out as a  
69 certified local fire official.

70 Sec. 3. Section 29-303 of the general statutes is repealed and the  
71 following is substituted in lieu thereof (*Effective October 1, 2007*):

72 The fire chief [of] or local fire marshal with jurisdiction over a town,  
73 city, borough or fire district, [within five days of the occurrence of any  
74 fire or explosion within his jurisdiction, shall furnish the local fire  
75 marshal, and the local fire marshal, within ten days of such  
76 occurrence,] where a fire, or explosion or other fire emergency occurs  
77 shall furnish the State Fire Marshal [(1) a written report signed by the  
78 local fire marshal] a report of all the facts relating to its cause, its  
79 origin, the kind, the estimated value and ownership of the property  
80 damaged or destroyed, and such other information as [is] called for by  
81 the [blank] State Fire Marshal on forms furnished by the State Fire

82 Marshal, or [(2) a magnetic tape containing the information specified in  
83 subdivision (1) of this section in a] in an electronic format prescribed  
84 by the State Fire Marshal, [accompanied by a written certification  
85 signed by the local fire marshal.] The fire chief or fire marshal may also  
86 submit reports regarding other significant fire department response to  
87 such fire or explosion, and such reports may be filed monthly but  
88 commencing January 1, 2008, such reports shall be filed not less than  
89 quarterly.

90 Sec. 4. Section 29-305 of the general statutes is repealed and the  
91 following is substituted in lieu thereof (*Effective October 1, 2007*):

92 (a) Each local fire marshal and the State Fire Marshal, for the  
93 purpose of satisfying themselves that all pertinent statutes and  
94 regulations are complied with, may inspect in the interests of public  
95 safety all buildings and facilities of public service, all buildings and  
96 facilities used for manufacturing and all occupancies regulated by the  
97 Fire Safety Code within their respective jurisdictions. Each local fire  
98 marshal shall inspect or cause to be inspected, at least once each  
99 calendar year [and as often as may be necessary] or as often as  
100 prescribed by the State Fire Marshal pursuant to subsection (b) of this  
101 section, in the interests of public safety, all buildings and facilities of  
102 public service and all occupancies regulated by the Fire Safety Code  
103 within [his] the local fire marshal's jurisdiction, except residential  
104 buildings designed to be occupied by one or two families which shall  
105 be inspected, upon complaint or request of an owner or occupant, only  
106 for the purpose of determining whether the requirements specified in  
107 said code relative to smoke detection and warning equipment have  
108 been satisfied. Upon receipt by [him] the State Fire Marshal of  
109 information from an authentic source that any other building or facility  
110 within [his] the State Fire Marshal's jurisdiction is hazardous to life  
111 safety from fire, [he] the State Fire Marshal shall inspect such building  
112 or facility. In each case in which the local fire marshal conducts an  
113 inspection, [he] the local fire marshal shall [satisfy himself] be satisfied  
114 that all pertinent statutes and regulations are complied with, and shall  
115 keep a record of such investigations. Such local fire marshal or a

116 designee shall have the right of entry [by himself or by his lawful  
 117 agent] at all reasonable hours into or upon any premises within [his]  
 118 the local fire marshal's jurisdiction for the performance of [his] the fire  
 119 marshal's duties except that occupied dwellings and habitations,  
 120 exclusive of common use passageways and rooms in tenement houses,  
 121 hotels and rooming houses, may only be entered for inspections  
 122 between the hours of [9] 9:00 a.m. and [5] 5:00 p.m., except in the event  
 123 of any emergency requiring [his] immediate attention for safety to life,  
 124 or in the interests of public safety. Each local fire marshal shall make a  
 125 monthly report to the authority [from] which [he received his  
 126 appointment,] appointed the local fire marshal and shall be paid for  
 127 his or her services in making such inspections of buildings and  
 128 facilities the compensation agreed upon with such appointing  
 129 authority.

130 (b) The State Fire Marshal may adopt amendments to the Fire Safety  
 131 Code and the Fire Prevention Code regarding requirements for the  
 132 frequency of inspections of different building uses regulated by the  
 133 code and set forth a schedule of inspections that are less frequent than  
 134 yearly if the interests of public safety can be met by less frequent  
 135 inspections.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2007	29-291a
Sec. 2	October 1, 2007	29-298(a)
Sec. 3	October 1, 2007	29-303
Sec. 4	October 1, 2007	29-305

**PS**            *Joint Favorable Subst.*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either chamber thereof for any purpose:

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### **OFA Fiscal Note**

#### **State Impact:**

<b>Agency Affected</b>	<b>Fund-Effect</b>	<b>FY 08 \$</b>	<b>FY 09 \$</b>
Department of Public Safety- Office of the State Fire Marshal	GF - Savings	Potential Minimal	Potential Minimal

Note: GF=General Fund

**Municipal Impact:** None

#### **Explanation**

The bill allows the state fire marshal and Codes and Standards Committee to issue emeritus certificates to certain fire officials wishing to retire. Currently, when an appointed official wishes to retire and does not continue the required training program, the state fire marshal revokes their certification.

The voluntary retirement of fire officials could result in a potential minimal savings to the Office of the State Fire Marshal associated with the time and resources required to administer and conduct hearings for the revocation of an individual's certification. In FY 06 the state fire marshal revoked approximately 50 certifications.

The bill makes several other changes that are not anticipated to result in a fiscal impact.

#### **The Out Years**

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

**OLR Bill Analysis****sHB 7115*****AN ACT CONCERNING THE OFFICE OF THE STATE FIRE MARSHAL*****SUMMARY:**

This bill extends the deadline for adopting the State Fire Prevention Code from January 1, 2005 to October 1, 2008. (PA 04-59 required the state fire marshal to adopt this code to (1) enhance the enforcement capabilities of local fire marshals and (2) prevent fire and other related emergencies.)

The bill allows the state fire marshal to reduce the required yearly inspection frequency for certain buildings subject to the State Fire Safety Code if this action meets the interest of public safety.

The bill streamlines fire incident reporting procedures and expands the kind of fire-related incidents that local fire marshals must report to the state fire marshal.

It authorizes the state fire marshal and Codes and Standards Committee to issue emeritus certificates to certain retired fire code officials.

EFFECTIVE DATE: October 1, 2007

***Building Inspection***

Current law requires local fire marshals to inspect buildings within their jurisdiction subject to the State Fire Safety Code at least annually and as often as necessary in the interest of public safety. They must also inspect any other building or facility whenever there is an authentic complaint that the building or facility is a fire hazard.

The bill eliminates the requirement for the fire marshal to inspect

buildings subject to the fire code as necessary in the interest of public safety. It instead requires as an alternative to annual inspections that the state fire marshal establish an inspection schedule, based on building use, in the fire safety and fire prevention codes allowing for less-than-yearly inspections if the interests of public safety can be met by less frequent inspections. (The fire safety code classifies buildings based on use, which includes manufacturing, industrial, assembly, or education.)

It also requires the state fire marshal, instead of local fire marshals, to inspect buildings and facilities not subject to the code when he receives any authentic complaint that the building or facility is a fire hazard.

### ***Fire Incident Reports***

Current law requires the fire chief to report incidents of fire or explosion to the local fire marshal who reports them to the state fire marshal. The fire chief must make his report within five days, and the local fire marshal within 10 days, of the incident.

The bill eliminates the two-step reporting process. It allows either the fire chief or local fire marshal to submit reports directly to the state fire marshal. In addition to fire or explosions, the bill requires them to report other “fire emergencies” (which the bill does not define).

The bill appears to eliminate the deadlines for submitting the above reports. But it allows the fire chief or fire marshal to submit reports of other significant fire department responses to fires or explosions. They may submit these reports monthly until December 31, 2007. Beginning January 1, 2008, they must submit them at least quarterly.

The bill updates the law to reflect current technology and practice, allowing the officials to submit reports electronically instead of on a magnetic tape. It eliminates a requirement that the local fire marshal certify and sign reports.

### ***Emeritus Certificate***

The bill allows any appointed local fire marshal, deputy fire marshal, or other inspector who wishes to retire his certificate to apply to the state fire marshal and the Codes and Standards Committee to have it retired and replaced with an emeritus certificate. The retired official may not describe himself as a licensed or certified official.

EFFECTIVE DATE: October 1, 2007

**COMMITTEE ACTION**

Public Safety and Security Committee

Joint Favorable Substitute

Yea 21 Nay 0 (02/27/2007)